



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NO: C01039.70035.US
1633

Applicants: Arthur M. Krieg et al.
Serial No.: 09/669,187
Confirmation No.: 2999
Filed: September 25, 2000
For: IMMUNOSTIMULATORY NUCLEIC ACIDS
Examiner: James Martinell
Art Unit: 1633

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 4 day of April, 2003.

Michelle M. Quinn

Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith are the following documents:

Information Disclosure Statement
 PTO Form 1449 with cited references
 Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Arthur M. Krieg et al., *Applicant*

By

Maria A. Trevisan, Reg. No. 48,207
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
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Docket No. C01039.70035.US
Date: April 4, 2003
XNDDX

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Docket Number	Serial Number	Filing Date	Inventor(s)
C01039.70067.US	10/300,247	11/20/02	Davis et al.
C01039.70068.US	10/306,522	11/27/02	Krieg et al.
C01039.70069.US	10/314,578	12/9/02	Krieg et al.
C01039.70070.US	10/382,822	3/6/03	Krieg et al.
C01040.70006.US	09/316,199	5/21/99	McCluskie et al.
C01040.70010.US	09/768,012	1/22/01	Davis et al.
C01041.70002.US	09/241,653	2/2/99	Wagner et al.
C01041.70005.US	09/355,254	7/23/99	Wagner et al.
C01041.70010.US	09/786,436	9/3/99	Wagner et al.
C01041.70014.US	09/895,007	6/28/01	Schetter et al.
C01041.70016.US	09/954,987	9/17/01	Bauer et al.
C01041.70019.US	10/140,013	5/6/02	Schetter et al.
C01041.70029.US	10/212,133	8/1/02	Lipford et al.
C01041.70031.US	10/265,072	10/5/02	Lipford
C01041.70035.US	10/373,381	2/24/03	Wagner et al.

Copies of each related application are submitted herewith.

PART IV: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART V: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.



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Serial No.: 09/669,187

- 2 -

The Applicant hereby makes the following additional information of record in the above-identified application.

The following co-pending applications that may contain subject matter related to this application are enclosed unless the earlier application is identified herein and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application:

Docket Number	Serial Number	Filing Date	Inventor(s)
C01037.70013.US	09/776,479	2/2/01	Bratzler et al.
C01037.70016.US	09/009,634	1/20/98	Hutcherson et al.
C01037.70017.US	09/800,266	3/5/01	Petersen et al.
C01037.70018.US	09/801,839	3/8/01	Bratzler et al.
C01037.70019.US	09/920,313	8/1/01	Peterson et al.
C01037.70021.US	09/949,194	9/7/01	Peterson et al.
C01037.70025.US	10/017,995	12/14/01	Bratzler
C01039.70020.US	09/337,584	6/21/99	Krieg et al.
C01039.70021.US	09/337,619	6/21/99	Krieg et al.
C01039.70022.US	09/337,893	6/21/99	Krieg
C01039.70023.US	09/337,636	6/21/99	Krieg
C01039.70028.US	09/361,575	7/27/99	Krieg
C01039.70029.US	09/415,142	10/9/99	Krieg et al.
C01039.70026.US	09/559,140	4/27/00	Noll et al.
C01039.70041.US	09/655,319	9/5/00	Krieg et al.
C01039.70042.US	09/630,319	7/31/00	Krieg et al.
C01039.70043.US	09/629,477	7/31/00	Krieg et al.
C01039.70044.US	09/672,126	9/27/00	Hartmann et al.
C01039.70048.US	09/818,918	3/27/01	Krieg et al.
C01039.70049.US	09/824,468	04/02/01	Krieg et al.
C01039.70052.US	09/888,326	6/22/01	Weiner et al.
C01039.70053.US	09/931,583	8/16/01	Krieg et al.
C01039.70057.US	09/965,101	9/26/01	Davis et al.
C01039.70058.US	10/023,909	12/18/01	Davis et al.
C01039.70060.US	10/112,653	3/29/02	Krieg et al.
C01039.70061.US	10/161,229	6/3/02	Krieg et al.
C01039.70062.US	10/187,489	7/2/02	Krieg et al.
C01039.70063.US	10/224,523	8/19/02	Krieg et al.
C01039.70065.US	10/272,502	10/15/02	Krieg et al.

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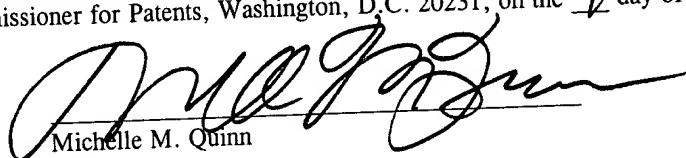
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Michelle M. Quinn

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

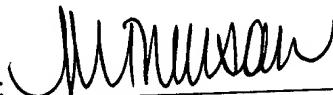
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Arthur M. Krieg et al., *Applicant*

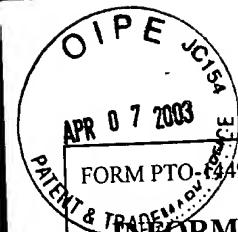
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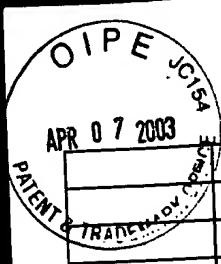
APR 07 2003
FORM PTO-849/A and B (Modified)INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Sheet 1 of 4

APPLICATION NO.: 09/669,187	ATTY. DOCKET NO.: C01039.70035.US
FILING DATE: September 25, 2000	CONFIRMATION NO.: 2999
APPLICANT: Arthur M. Krieg, et al.	
GROUP ART UNIT: 1633	EXAMINER: James Martinell

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	5,023,243		Tullis	06-11-1991
	A2	5,248,670		Draper , et al.	09-28-1993
	A3	5,268,365		Rudolph , et al.	12-07-1993
	A4	5,445,938		Hanai , et al.	08-29-1995
	A5	5,488,039		Masor , et al.	01-30-1996
	A6	5,491,088		Hellstrom , et al.	02-13-1996
	A7	5,492,899		Masor , et al.	02-20-1996
	A8	5,585,479		Hoke , et al.	12-17-1996
	A9	5,589,466		Felgner , et al.	12-31-1996
	A10	5,591,721		Agrawal , et al.	01-07-1997
	A11	5,602,109		Masor , et al.	02-11-1997
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	A13	5,663,153		Hutcherson , et al.	09-02-1997
	A14	5,679,647		Carson , et al.	10-21-1997
	A15	5,700,590		Masor , et al.	12-23-1997
	A16	5,705,385		Bally , et al.	01-06-1998
	A17	5,723,130		Hancock , et al.	03-03-1998
	A18	5,723,335		Hutcherson , et al.	03-03-1998
	A19	5,756,097		Landucci , et al.	05-26-1998
	A20	5,780,448		Davis	07-14-1998
	A21	5,786,189		Locht , et al.	07-28-1998
	A22	5,804,566		Carson , et al.	09-08-1998
	A23	5,830,877		Carson , et al.	11-03-1998
	A24	5,837,243		Deo , et al.	11-17-1998
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	A30	6,013,639		Peyman , et al.	01-11-2000
	A31	6,027,726		Ansell	02-22-2000
	A32	6,110,745		Zhang, et al.	08-29-2000
	A33	6,174,872		Carson , et al.	01-16-2001
	A34	6,194,388	B1	Krieg, et al.	02-27-2001
	A35	6,207,646	B1	Krieg, et al.	03-27-2001
	A36	6,214,806	B1	Schwartz, et al.	04-10-2001
	A37	6,218,371	B1	Krieg, et al.	04-17-2001



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A40	6,406,705	B1	Davis, et al.	06-18-2002
A41	6,429,199	B1	Krieg, et al.	08-06-2002
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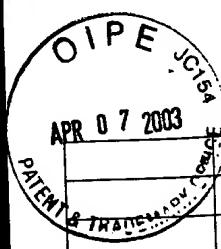
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FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
.	B4	EP	0 302 758	B1	New England Medical Center Hospitals, Inc.	03-16-1994	
.	B5	EP	0 468 520	A2	Mitsui Toatsu Chemicals, Inc.	01-29-1992	
.	B6	WO	91/12811	A1	Isis Pharmaceuticals, Inc., Et Al.	09-05-1991	
.	B7	WO	92/03456	A1	Isis Pharmaceuticals, Inc.	03-05-1992	
.	B8	WO	92/18522	A1	The Salk Institute For Biological Studies,	10-29-1992	
.	B9	WO	92/21353	A1	Genta Incorporated	12-10-1992	
.	B10	WO	94/19945	A1	Isis Pharmaceuticals, Inc.	09-15-1994	
.	B11	WO	95/05853	A1	The Regents Of The University Of CA	03-02-1995	
.	B12	WO	95/26204	A1	Isis Pharmaceuticals, Inc.	10-05-1995	
.	B13	WO	96/02555	A1	The University Of Iowa Research Foundation	02-01-1996	
.	B14	WO	96/13277	A1	The Regents Of The University Of CA	05-09-1996	
.	B15	WO	96/14074	A1	The Regents Of The University Of CA	05-17-1996	
.	B16	WO	96/24380	A1	ICN Pharmaceuticals, Inc.	08-15-1996	
.	B17	WO	96/35782	A1	Applied Research Systems, et al..	11-14-1996	
.	B18	WO	98/14210	A1	The Regents Of The University Of CA	04-09-1998	
.	B19	WO	98/16247	A1	The Regents Of The University Of CA	04-23-1998	
.	B20	WO	98/18810	A1	The University Of Iowa Research Foundation	05-07-1998	
.	B21	WO	98/29430	A1	Tam	07-09-1998	
.	B22	WO	98/51278	A2	Inex Pharmaceuticals Corporation	11-19-1998	
.	B23	WO	98/55495	A2	Dynavax Technologies Corporation	12-10-1998	
.	B24	WO	98/55609	A1	The Regents Of The University Of CA	12-10-1998	
.	B25	WO	99/33493	A1	Inex Pharmaceuticals Corporation	07-08-1999	
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.	B27	WO	99/62923	A2	Dynavax Technologies Corporation	12-09-1999	
.	B28	WO	00/03683	A2	Inex Pharmaceuticals Corporation	01-27-2000	
.	B29	WO	00/14217	A2	CPG Immunopharmaceuticals Gmbh	03-16-2000	
.	B30	WO	00/16804	A1	Dynavax Technologies Corporation	03-30-2000	
.	B31	WO	00/20039	A1	The Regents Of The University Of CA	04-13-2000	
.	B32	WO	00/21556	A1	Dynavax Technologies Corporation	04-20-2000	
.	B33	WO	00/62787	A1	The Regents Of The University Of CA	10-26-2000	
.	B34	WO	01/02007	A1	The Regents Of The University Of CA	01-11-2001	
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OTHER ART – NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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C16	AGRAWAL, <i>Tibtech</i> , 14:376-387, 1996
C17	ARKWRIGHT, et al. <i>J Allerg Clin Immunol.</i> 107:531-4, 2001
C18	AZAD, et al., <i>Antimicrobial Agents and Chemotherapy</i> , 37:1945-1954, (1993)
C19	AZUMA, et al., <i>Kekkaku</i> , 67(9):625-631, (45-55) 1992
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C21	BATES, et al. <i>J Biol Chem</i> 274:26369-77, 1999
C22	BENIMETSKAYA, et al. <i>Nucleic Acids Res.</i> 25:2648-2656, 1997
C23	BISHOP, et al. <i>J.Biol.Chem.</i> 271:5698-5703, 1996
C24	BLAXTER et al., <i>Mol. and Biochem. Parasitology</i> , 77:77-93
C25	BRANDA et al., <i>Biochemical Pharmacology</i> , 45(10):2037-2043, 1993
C26	BRANDA, et al., <i>J. Lab Clin Med</i> 128(3):329-38, 1996
C27	BROIDE & RAZ <i>Intl Arch Allerg & Immunol.</i> 118:453-456, 1999
C28	BRUNNER, et al., <i>J Immunol.</i> 165:6278-6286, 2000
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C31	CHACE, et al., <i>Clinical Immunology and Immunopathology</i> , (1993), 68(3):327-332
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C33	CONSTANT, et al., <i>Science</i> , 264:267-70, 1994
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C38	ELKINS, et al. <i>J. Immunol.</i> 162:2291-2298, 1999
C39	EWEL, et al., <i>Cancer Res.</i> , 52(11):3005-10, 1992
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C41	GAO, et al., <i>Mol. Pharmacol.</i> (1992), 41, 223-229
C42	GOLD, et al., <i>Annual Rev. Biochem.</i> 64:763-97, 1995.
C43	HADDEN J et al., <i>JAMA</i> , (1992) 268:20:2964-2969
C44	HADDEN J et al., <i>TIPS</i> , (1993), 141:169-174
C45	HAHM, et al. <i>Intl J. Immunopharmacol.</i> 16:217, 1994
C46	HALPERN MD et al., <i>Cell Immunol</i> 167(1):72-8, 1996
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C48	HARTMANN, et al. <i>Antisense Nucleic Acid Drug Dev</i> , 6:291, 1996
C49	HATZFELD J., <i>J. Exp. Med.</i> , (1991) 174:925-929
C50	HERTL, et al., <i>J. Invest. Dermatol.</i> , 104:813-818, 1995.
C51	HORNER, et al. <i>Springer Semin Immunopathol</i> , 22(1-2):133-46, 2000
C52	HORSPOOL, et al., <i>J. Immunol.</i> 160, 2706-2714, 1998
C53	HUANG, et al., <i>Infection and Immunity</i> , 67(12):6257-6263 (1999)
C54	HUGHES, et al. <i>Antisense Res Dev</i> 4:211-15, 1994
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C56	IVERSEN, et al., <i>Antisense Research and Development</i> , (1994), 4:43-52
C57	JAKOB, et al., <i>Int. Arch Allergy Immunol.</i> , 118(2-4):457-61, 1999
C58	JAKOB, et al., <i>J. Immunol.</i> , 161(6):3042-9, 1998
C59	JOHNSON, et al. <i>Immunopharmacol Infect Disease</i> , 291-301, 1987
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APR 07 2003

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C66	LEE, et al. <i>Transplantation</i> , 62:1297-1301, 1996		
C67	LEVINE, et al. <i>Cancer Treatment Repts.</i> 62:1907, 1978		
C68	LEVY, et al. <i>J Infect Disease</i> , 133:A256, 1976		
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C70	MACAYA, et al. <i>Proc Natl Acad Sci USA</i> 90:3745-9, 1993		
C71	MASHIBA, et al., <i>Jpn. J. Med. Sci. Biol.</i> , 41:197-202, 1988		
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C74	MATSUKURA, et al. <i>Proc Natl Acad Sci USA</i> 86:4244-48, 1989		
C75	MESSINA et al., <i>Cellular Immunology</i> , 147(1):148-157, 1993		
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EXAMINER

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